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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/690,123	10/21/2003	Bradley M. Houghtaling	85413AEK	3653

7590

08/28/2006

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EXAMINER

JACKSON, MONIQUE R

ART UNIT	PAPER NUMBER
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1773

DATE MAILED: 08/28/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

## Office Action Summary

Application No.

10/690,123

Applicant(s)

HOUGHTALING ET AL.

Examiner

Monique R. Jackson

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --  
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

### Status

- 1) ☒ Responsive to communication(s) filed on 08 June 2006.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

### Disposition of Claims

- 4) ☒ Claim(s) 1-24 and 26-44 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☒ Claim(s) 1-20, 22-24 and 26-28 is/are allowed.
- 6) ☒ Claim(s) 29-33, 35-38 and 41-44 is/are rejected.
- 7) ☒ Claim(s) 21, 34, 39 and 40 is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

### Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

### Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some \* c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- \* See the attached detailed Office action for a list of the certified copies not received.

### Attachment(s)

- 1) ☐ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)  
Paper No(s)/Mail Date \_\_\_\_\_.
- 4) ☐ Interview Summary (PTO-413)  
Paper No(s)/Mail Date. \_\_\_\_\_.
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: \_\_\_\_\_.

### **DETAILED ACTION**

1. The amendment filed 6/8/06 has been entered. Claims 25 and 45-48 have been canceled. Claims 1-24 and 26-44 are pending in the application.
2. The text of those sections of Title 35, U.S. Code not included in this action can be found in a prior Office action.

### ***Claim Objections***

3. Claim 21 is objected to because of the following informalities: "claim 13" appears to be a typographical error and should probably read "claim 20". Appropriate correction is required.

### ***Claim Rejections - 35 USC § 102***

4. Claims 29-33, 35-38, and 41-44 are rejected under 35 U.S.C. 102(b) as being anticipated by Shinkai et al (USPN 5,599,649) for the reasons recited in the prior office action and restated below.

Shinkai et al teach an optical recording medium comprising a transparent substrate and a 1-100 micron thick surface layer obtained by UV radiation curing a coating film comprising copolymerizable acrylate monomers and oligomers, including those as instantly claimed such as urethane acrylates and multifunctional acrylates such as pentaerythritol triacrylate, wherein the radiation cured surface layer further comprises 1 to 50wt% lipophilic smectite particles having a mean particle size of 0.2 to 20 microns, more preferably 0.5 to 10 microns (*reads upon organic modified layered clay particles*) (Abstract; Col. 2, lines 58-67; Col. 5, line 26-Col. 7, line 12; Col. 7, lines 42-53; Col. 3, lines 13-20 and 27-38; Col. 8, lines 20-40; Col. 8, line 57-Col. 9, line 51; Col. 11, line 30-Col. 14, line 40.) Shinkai et al further teach that the curable resin composition forming the surface layer may also comprise radiation sensitive curing agent or UV

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photoinitiator, organic solvent and other conventional additives (Col. 6, line 66-Col. 7, line 36; Col. 9, lines 59-65; Col. 10, line 14-30; Col. 14, lines 12-29.) Shinkai et al also teach that the substrate is formed of a resin or glass material which is substantially transparent, preferably a transmittance of at least 88%, wherein resins are preferred substrate materials, with examples including polycarbonate resins, acrylic resins, amorphous polyolefins and TPX (Col. 15, lines 55-65.) With respect to claims 13-19, the Examiner takes the position that the surface layer taught by Shinkai et al would inherently result in the same gloss and haze characteristics instantly claimed considering the composition and method of producing the cured layer are the same as instantly claimed.

***Allowable Subject Matter***

5. Claims 1-20, 22-24 and 26-28 are allowed.
6. Claims 34 and 39-40 are objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.

***Response to Arguments***

7. Applicant's arguments filed 6/8/06 have been fully considered but they are not persuasive. It is noted that Applicant's arguments with respect to Shinkai et al do not apply to Claims 29-33, 35-38, and 41-44, since the features relied upon by the Applicant are not recited in these claims. Applicant's arguments and declaration filed 6/8/06 with respect to Miyatake et al are persuasive.

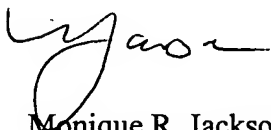
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Any inquiry concerning this communication or earlier communications from the examiner should be directed to Monique R. Jackson whose telephone number is 571-272-1508.

The examiner can normally be reached on Mondays-Thursdays, 8:00AM-4:30PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Carol Chaney can be reached on 571-272-1284. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.



Monique R. Jackson  
Primary Examiner  
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August 21, 2006